

**MINUTES OF THE BOARD OF DIRECTORS MEETING**  
**Thursday, October 20, 2022. Wilkinson Public Library**

**ROLL CALL AND DETERMINATION OF QUORUM:** Members present were Laura Ellison, Shane Jordan, Matt Kuzmich, Bill de Alva and Dean Bubolo.

Pam Hall was present as manager. Stu McCreedy was absent.

Bill de Alva said he would recuse himself from voting at today's meeting. Then he announced his resignation from the board starting at the end of this meeting.

Meeting was called to order at 8:40AM

- 1) **MINUTES:** Reading and approval of the draft August 30th, 2022 BOD meeting minutes.

**Motion:** Shane made a motion to approve the minutes with one typo corrected, but as presented, Matt seconded, and the motion passed.

- 2) **OLD BUSINESS:**

- A. Underpass Contribution Request:** The board discussed our reserves and budget. We compared our budget to those of the local governments. Pam said serious road maintenance and capital improvements will deplete our reserves quickly. We are currently looking at one half million+ for the pedestrian path improvements to connect the existing underpass to Park and Ride Lot. The overlay from Conoco to Cindy Bread is \$180,000.00. The roads need a chip and seal which we have not received a bid for but 5 years ago was about \$200,000.00 but it could be double this time based on increased asphalt costs. If we are unable to find a company who does chip and seal at this elevation, overlay may be our only long-term solution. For the length of our roads this will be expensive.

Bill said the pedestrian path is already an above and beyond contribution and a direct addition to the regional trail system this new proposed underpass is a part of.

Dean questioned, if we contributed cash, would we be relieved of the maintenance on the trail. Matt said we will continue to have the responsibility for maintenance and will also need to make improvements to our existing trails to mitigate the additional use. Dean asked for clarification, does our responsibility start once they enter Lawson Hill. The answer is yes. Matt said the trail is very steep and rough and many individuals will not be able to navigate it. Bill said we could add signage advising users that this is a steep rough trail and give them directions to an alternative connection on our paved roads.

Pam reminded the board that our attorney Tom Kennedy had advised Lawson Hill to not spend funds outside of our association because it could open us up to a lawsuit. These funds are designated for infrastructure replacement and capital improvements only. If the board wanted to give a small number like \$5,000.00 it may be okay and replaceable. Currently we are lucky if we can save \$100,000.00 per year toward the reserve fund. Matt thought we should follow up with a small commitment comparable to our budget.

Shane reminded us of the in-kind easement and wondered what the value was to that. Laura said it has value. Laura asked if they have asked every HOA in the area to contribute. The board thinks that is unlikely. Bill said the pedestrian link we are building is a significant contribution already. Pam said in her opinion, the pedestrian trail portion in Lawson Hill is already more than we can afford. She said she has started to reach out to grant funding entities to try and understand what grant funding may be available to help with our project. Any grants will require San Miguel County to be our sponsor because we are not a government agency, which is required. She has spoken with the County who seemed supportive of the GOCO application until they realized they were already applying to it for the Mill Creek Park. Then the County directed us toward CDOT and the Multi Modal grant. TAP was also mentioned as a possibility. Pam admitted she knows very little about grants or grant writing but is hopeful she can get help from the County. This pedestrian trail is a benefit to the whole region and does not just benefit Lawson Hill. The board directed Pam to draft a letter acknowledging our support for the new underpass project but informing them we were not in a position to financially contribute. The draft will be sent to the board via email for approval before sending to Mountain Village staff.

**B. Lot HI and G Re-Plat:** Pam confirmed everything had been signed and recorded. The only outstanding item is the possible raised crosswalk Mountain

School agreed to pay for in an effort to provide a safe way for them to cross Society Dr.

- C. Pedestrian Path (Front Entrance) Update:** Pam shared the latest estimate from ACM which now included the raised cross walk and the Hilficker wall and the steel railing. We still need numbers for irrigation and landscaping. The Hilfiger has been engineered. The railing will be a version of the photo Bill provided. The double post and double rail are very attractive. She said she is trying to secure a landscape bids from Lance and Telluride Land Works.
- D. Wells 1 and 2:** Pam showed the bid for a 4-hour test of the well by Valley Pump. They directed her to pull the head and stick a tape down to see how deep it was drilled. Dean said he could help with that. Bill said to contact Patrick Drew who has equipment to test the dept of the water in a well from above.
- E. Replacement Trail Update:** Pam said the trail located on Coors Wright's property has been completed. Matt said they did a nice job, but some individuals have been removing the logs placed on the old trail and continue to trespass. Matt said Coors would deal with that.
- F. Neighborhood Commercial:** The board discussed hosting a meeting for the commercial owners to get their input and support before opening up this conversation with the Town of Telluride again.
- G. V Pan and Speed Swale:** Pam shared the bids for these items and discussed the differences. Matt suggested we commit to the drainage swale with ACM and see how they do. The board discussed temporary speed bumps but had concerns they would need to be removed and reinstalled each year and stored in between. That is not necessarily a good option. The cost of permanent speed swales is more than expected. Pam said partially that is because they need to pour the concrete at two different times to keep a lane open while the other cures.
- H. EPA Update:** Pam said they were coming back to quantify the tailing located at the original test sites. Dean said he would like to meet with them. Pam said she was speaking with Joni from the EPA this afternoon if Dean wanted to participate, he could.

**Motion:** Laura made a motion to go into a recess so the DRB could call their meeting to order. Matt seconded and the motion passed.

Banks, Noah, Shane, Dean, and Brad sat as the DRB. Michelle was absent.

Applicants for Telecam: Dirk de Pagter and Ryan Kusuno joined the meeting.

Banks called the October 20<sup>th</sup> DRB Meeting to Order.

**SECOND DRB WORKSESSION: Lot L, Lawson Hill PUD  
Ryan Kusuno-Dirk De Pagter**

Following the first work session held with the applicants June 29, 2022, the boards provided a letter dated June 30<sup>th</sup> with comments, concerns and direction on items to be revised or addressed. Prior to this meeting no new plans showing revisions have been provided by the applicant.

Dirk started by explaining his long-term history with Lawson Hill and deed restricted housing in the region. He was asked by Bill Carstens for help in the early 1990's with developing housing for the workers. They set up a committee to help San Miguel County navigate this need called Action Housing. Idarado offered the County ½ million to help relocate the Pandora Trailer Park tenants so they could clean up and develop their land. The Action Housing Group took the lead in negotiating with the Jones family, along with Bill Cantlin and Jim Burleigh for the acquisition of the land to create Lawson Hill from Kirk Alexander. David Hoffman was the attorney who drafted all the documents for the deed restriction. The plan was controversial, and the Action Housing group and he personally were sued because certain portions of the community were in opposition to Lawson Hill being created. He said they fortunately succeeded. The commercial portion was also controversial. Action Housing helped SMC to complete the development.

Dirk said that Lot L was a difficult parcel, and the Jones family has owned it since the beginning. It has been for sale for some time and other developers have looked at the project but could not make it work. The Jones family hired Ryan Kusuno to try and develop it on their behalf. They have evaluated other plans but decided this was the best plan for them.

Dirk explained they have a two-tier process with SMC and only one step with Lawson Hill. The original hope was to build the road first and then come back later with a vertical construction plan. He said they have hired Michael McCallister to bring a vision of the design they had in mind to images they could share.

Dirk said they were also working on the deed restriction for these units with San Miguel County. The ownership was important to them. They wanted to clarify that business owners could own these units and not just be owner occupied. Banks asked how the changes to the deed restriction is helping them. Dirk said he wanted to make sure they could sell to business owners to rent to their employees. He suggested we should read over the deed restriction which has been provided. Noah questioned if there was anything stopping a shell business from buying all the units and

remaining a landlord forever. If it was locally owned business that may be more desirable but there is nothing to stop this from being owned by outsiders. Dean said he has issues with a business owner getting rid of the tenant if their employees either quits or is let go. Could we limit number of units a business could own in this new covenant?

Dirk said he would like to go back to the June 30<sup>th</sup> letter from the BOD and go through the list. He went on to explain, building 1-8 are residential and work and 9-15 are 3 levels with 2 residential units per building, and units 16-22 are larger residential only units. He said everything is connected by storage units and therefore is considered one building. He showed the same diagram we saw at the first work session on June 29<sup>th</sup>. Dirk said he met with the school district. They asked if they could buy units of density from him, but he told them no, but they are willing to give them more land and an easement for a park area. He showed the area they are considering donating to the school district. He said they are not otherwise involved but they want to be good neighbors. The school district currently does not have density to grow the 4 plex or their daycare site. Noah asked if the school district could just purchase the units on Lot L. Dirk said yes, they could, the medical center and school have both shown an interest as well as other governmental agencies. The Jones family sees this as their final legacy and wants to sell first to individuals, second local businesses and governmental agencies and not on block to outside investors, unless there is an economic disaster that forces them to. Priority of sales is not restricted, only conceptual.

One of the points listed in the June 30<sup>th</sup> letter from the boards was direction to come back with a plan to screen the parking along their driveway from the existing trail. Dirk said they could plant at the base of the retaining wall, along the trail. The wall is a Hilficker with a guardrail bolted onto the outside of the wall. Pam questioned if this meant they could not screen the parking at the same level as the parking. Dirk said that was correct. Ryan said they could take out parking space and add small parklets with benches and planters. The parklets will not screen the parking from the trail though and they would be giving up parking. The driveway access is on lot line in many areas and the only landscaping they could do at trail level would be on Lawson Hill open space and would only buffer the visual of the Hilficker wall and not the parking. Dirk said the wall ranges from 3'-12' above the trail with a guardrail mounted off the side and parking along its length. They have not returned with a landscaping plan to screen the parking as requested.

Brad asked if the fire department approved the turnaround, it looks tight to him. Dirk said yes, they did, and it is tight.

Dirk said they are providing storage between the units that make them all one building. He went on to explain that both the County and Lawson Hill do not count garages as parking spaces to meet the parking requirement. He thinks it could be legally challenged although he will not go there, because they do not need it. Banks asked for clarity on what he is saying. He said there is a requirement to meet the parking and he has not heard of restricting garages from being allowed to count toward required parking anywhere else. This was in place because the majority of homes with a garage chose to use it for storage and not parking a car.

Ryan said he contacted the Post Office, and they have a ratio for how many small or larger boxes to provide for these units.

Dirk said from a strictly land planning point of view, he would phase the building of these units with first phase being units 10-15, second phase units 16-22 and then finish with the live work units 1-9. The reason for this would be to lower the impact on Evergreen Court. He went on to say that the structures with two residential units would need to be purchased by one buyer. He will not sell to two buyers. He will condominiumize all the units though in advance of sales. Banks asked what these will sell for, Dirk said whatever the market will bear. This is not a cheap project to build. It has been a crazy couple of years, but sales are now the lowest in 12 years. He believes this will be a very slow winter for sales due to low inventory.

Dirk told Ryan to walk everyone through the packet on screen. He said he likes this concept because there are more exterior spaces, more exits. These units will be sprinkled per building code. He described the live work units as first floor was open for work possibility, second floor was living and kitchen and third, three bedrooms with one share bath and one bath for master. There is a walk out the back of the middle area and it opens to a walkway that connects all the units.

Pam asked if the work units could be occupied by a business that was not the owner of the business. Dirk said no.

He went on to explain the two-unit structures. He explained the parking. Matt asked about how they would deal with the moisture between these units. Dirk said snow stops on the roof with snow guards and the parking between is a permeable surface so the water will sink in. Dean asked how the 10' between the units will work for parking. Pam reminded the board that the concern at the last meeting was that a truck could not park between the units and open their doors. Dirk said a truck will not fit and would need to park along the guardrail. Ryan said the standard for the County parking space is 9' x 18' and they are going 10'! He admitted it will still be tight, but they are meeting the parking requirement of the County. Noah said this is all part of what DRB is here for, to weigh in on whether this meets the needs of this community and not just if it meets the County standard.

Banks asked about the shared pathway and how it would be used. It is confusing how you can call it a pathway but allow each unit owner to occupy it with grill, tables and chairs. Pam said that Ryan had described this as an ADA pathway connecting units, but now you are saying this is each unit owners' private space and there is no pathway. Dirk agreed no there is no connecting pathway.

Pam asked if the proposed units along Evergreen Court could be restricted to owner occupied only and not allowed to be purchased by businesses as a rental. Rentals will likely have a greater impact on the neighborhood. Dirk said he will not restrict them, but that would be their desire to

sell to owner occupied individuals. Pam said without restrictions written into the deed restriction for these units, any resale would allow them to be sold to anyone and converted to rentals.

They will provide a drainage plan. Dirk said the whole development was analyzed for buildout at the beginning by Nancy Hild. Pam asked if they have found this drainage plan that Dirk is referencing. Dirk said he has not, but he believes it was done, and the County should have it or its in Jones storage. Pam said Lawson Hill does not have a copy.

Dirk said there are v-pans, and the top of the retaining wall which would need to be concrete. There is gravel in between the units. Pam clarified that if an owner came back and wanted to asphalt between the building it would alter the drainage plan and should not be allowed. Dirk agreed.

Matt asked if the proposed units along Evergreen had larger pickups, could they park along the guardrail in front of the lower units for their overflow parking? Matt feels that those units do not have adequate parking for larger vehicles, and they will not park in the lower lot provided for them. Noah said the closer parking is the playground, but it is already full many days.

Dirk said that the County has the authority to grant access over Evergreen as the letter from the County stated. The Lawson Hill DRB disagrees and believes this is up to them to decide if these additional units and access works for the whole Lawson Hill community.

Pam asked if the existing units would become part of the Lot L association. Dirk said no. She said Lot L will be required to maintain Evergreen and that they may consider having these other owners share the cost.

Pam asked about snow storage. Dirk said they would blow it off onto the open space and trail area and they would also blow it off the end too. Pam said there is a house proposed at the end. Pam said we generally do not allow snow to be pushed onto our property. They must have a plan that either removes the snow or can store it on their property. At this time, all the snow from Evergreen is pushed onto Lot L which will not be possible if houses are built there. Shane said we need to discuss the landscaping along the base of the wall and how the snow storage is dealt with. We do not want them pushing the snow onto the new plantings.

Matt said he is concerned the developers will be long gone and there will be ongoing tension between the neighbors because the project was not built appropriately. He wants them to think about all these concerns DRB has raised now!

Noah asked if Lawson Hill asked for the parklets as a group. Pam said no, the DRB and BOD asked the applicants to screen the parking from the trail. The parklets were their idea and do not screen the trail from the parking spaces.

They were asked to break up the mass and scale, but they have not made any changes to address that request. Dirk said he didn't want it to look like Shandoka. The board had not requested it look like Shandoka but told the applicants: *"Break up the mass and scale to not appear as repetitive as was shown in the sketch up presentation. This may be achieved by varying heights of buildings or stepping units back from the driveway in a varied way. Combining multiple units into one building is encouraged. Mixing roof lines and facades."*

Matt asked why they were not considering combining units into one building putting 6-7 units in a building and opening it up. Dirk said it requires more internal space for hallways and stairs, but Pam pointed out Rio Vista was built without any internal access and was successful with combining units into one structure.

Shane asked where the kids will play in this high-density area, Dirk said the land is too steep so it will be the street. Ryan said he could get us the newest version electronically next week because it had not loaded correctly for this meeting.

Banks said he wants to see images of what the homes on Evergreen will see with these proposed units.

Brad said the turnaround will be very awkward for the UPS trucks too and options should be considered.

Dirk wanted to go back to the first question. He asked could they build the road first and then work on the plan second which would be the actual construction plans? He wants the board to agree to this as a development concept and allow them to only build the road before working out all the details. Pam said these have only been work sessions with the boards and there has been no public input from neighbors. Public input is imperative.

The board members debated if Lawson Hill guidelines would even allow the process Dirk is proposing. Pam said she did not believe we had a two-step process that allowed for development of the driveway access before the project was approved. She thought there may possibly be a way to stage it after the approvals are in place. That will happen naturally as the access will be built first and then portions of the units. The guidelines anticipate a complete application to be approved before construction of the road would begin. Banks said he thinks it is important to see the finishes. Shane said he thinks the neighbors will be more concerned with mass and scale, height, and the views. Banks said we need more details, and we need to see the whole package.

Dirk said he would get the board the active link to the latest drawing within a week.

Shane asked what the process is, and Banks said the process from this work session was to give feedback so they could feel comfortable to submit a successful application. This is the DRB's opportunity to express all the concerns the board members see, to the applicant. The concern for snow loads off tall buildings with 10' parking spaces between them is feedback. Matt said the proposed parking is going to be a problem and will not produce happy owners. Noah said they just won't park there. It will be an ongoing issue; we need a functional parking plan. The



complications arising from the ice buildup are real. Matt asked what the parking requirement is, Shane said the County minimal standards are 9' X 18'. Bill said the freeze and thaw from the eaves is huge.

Dirk said they may need to excavate snow and ice out of there. Shane asked about covering the parking, but Dirk said he is concerned with losing his egress for the lower bedrooms and it opens up other problems. He may have to heat them. There may be times when this needs to be excavated but it meets the standard requirement.

Banks said feedback from this board includes that parking is a huge issue. Maybe the number one issue. I appreciate that you met the standard requirement the County has, but you are not meeting Lawson Hill's need for functional parking. He went on to say, that I hate to say it, but this is for you guys to solve. Dirk said we are providing spaces larger than what is required, they are 10' X 20'. Bill said it's not the physical size of the spaces but the location under the eaves, these cars will get hammered. Pam said if you combined units into one structure and created larger parking areas, they would get more sun and would function better. Dirk said we could do heated gutters and down spouts would drain into a dry well. Dean asked about the stacked concept of parking and how he does not believe it will work and should be reconsidered. He said he does not see people doing that. This will leave 18 cars dumping into their overflow and our parking lots.

Pam asked about the roofs on the storage. Dirk said they are roofed with a slight slope draining into the parking area. The board thought he was joking, but he was serious, he does not want it to shed on to the patios for the units. Laura asked about the parking off evergreen which are also stacked. How will that work? Are they assigned? They may have to be assigned.

Dirk said the storage for the smaller units is 10' X 5' for 1-14 16-22 and the larger units are 10X20 with parking above.

Pam asked if they are having to change grade dramatically to develop the parking area. Dirk said yes, but he does not know yet how much or what the retaining is yet.

Noah said after the last the two work sessions many concerns remain the same, but the biggest concerns are parking and snow. Noah said the repetitiveness of the buildings is still a real concern and Banks said he has the same concerns. The board agreed that is still a concern that has not been addressed.

Dirk tried to defer to the County, but the repetitiveness and mass and scale are up to the Lawson Hill DRB and not the County. Banks made it clear this was the purview of the DRB and had nothing to do with the County.

Ryan tried to say there have been examples of where building have been built before in Lawson Hill before with a reduced separation. Pam said she is not sure how the school units were approved, but they are staggered. Noah said the rooflines on those do not shed onto required

parking. The proposed density on Lot L has not been built anywhere else in Lawson Hill recently and needs to be considered. Matt said this is a completely different mass and scale, you have 22 buildings, 29 units and 45,000 square feet..

Shane said he likes the idea of town homes for this site and not free-standing single-family homes, but this proposal is attempting to create something in the middle, not quite single family and not quite townhomes.

Shane said we have given you considerable feedback. You have every right to either take the feedback and revise the plan or do not the feedback and it's your right to, if you choose to submit a complete application that will be heard at a public meeting and voted on. However, you are hearing concerns that and if not addressed they may come back to hurt you. Dirk said he appreciated the feedback, but he hoped the board would look at the practical reality they have to deal with. If they need to maintain 20' between building they may need to scrap units and the project is no longer viable. We are trying address the housing needs.

Bill said they should re-visit the garage parking not being allowed to meet the needs of required parking. He did not recall the regulation against garages. That may open up some options to move some of these units together and using parking under them.

Laura asked how they got to this point. Dirk said to fit all the allocated density this worked the best for them.

Banks said the units on Evergreen are all the same, but they could have shed the snow on to the open space behind them. Dirk said they looked at it but did not like it as well.

Dirk talked about the infrastructure costing ¼ million dollars but not substantially changing the value of just the land. Pam asked if there were any guarantees that they would actually build these units and not just turn around and sell it. Dirk said the Jones family said if we go through all this brain damage and we decide we do not want to build this would you be interested in picking this up? Dirk said he may consider putting together investors. He grew up in the Netherlands and this concept is often built. These are row houses. Banks asked moved them away from sharing walls. Dirk said egress windows for bedrooms.

Shane said he wants them to go away with the feeling that this board is supportive of this project maybe not in this version and maybe there are tweaks that made but that we are generally supportive of the project. This is not HARC. Banks said he could not agree more. The mass and scale will need to be massaged. Noah asked where the PO and trash are going to be located. Dean said it would be nice to have parking available next to the trash and PO boxes. Most people dump their trash and check their mail. Banks asked anything else. Dirk said they will work with Pam to get an application. He said Ryan would get the latest drawing to us and the live link and then provide feedback.

Banks adjourned the DRB meeting.



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**Motion:** Shane made a motion for the BOD meeting to come out of recess and reconvene their meeting, Dean seconded, and the motion passed.

### 3) NEW BUSINESS:

- A. **Appointment of Vacated Board of Directors Seat:** The board discussed Bill de Alva's resignation and their appreciation for all his years of service.

**Motion:** Laura made a motion to appoint Dean Bubolo to fill the remainder of Bill de Alva's seat through the 2023 annual meeting.

- B. **Appointment of Vacated Alternate Seat:** With the appointment of Dean to Bill's seat the board discussed appointing the alternate position too. This will also run just through the 2023 annual meeting.

**Motion:** Shane made a motion to appoint Bebe as the alternate for the remainder of Dean's alternate seat, Dean seconded, and the motion passed.

**ADJOURNMENT:** Members moved to adjourn